

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1119 of 2019

- Duryodhan Chandrawanshi S/o Sudduram Chandrawanshi Aged About 48 Years R/o Village Ghotiyawahi Out Post Dudhwa, P.S. And Tahsil Narharpur, District North Bastar Kanker Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Outpost Dudhwa, Police Station Narharpur, District North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 51/2019, registered at Police Station Out post Dudhwa P.S. Narharpur, Distt. North Bastar Kanker (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, the applicant between the year 2011-2013 had obtained *Rinpustika* of complainant Harishankar and Jogiram by saying that he has to sale his grain. Allegedly, he had taken KCC loan of Rs. 4,00,000/- in the name of Harishankar and Rs. 3,00,000/- in the name of Jogiram. It is further alleged that he kept all the loan amount and when Harishankar and Jogiram got notice from bank then they came to know this fact. Thereafter, in the month of 2019 FIR has been lodged, on the basis of which, offence has been

registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. There is nothing on record on the basis of which any offence can be made out against the applicant. He further submits that from the record itself, it is established that KCC Loan was sanctioned in the name of Harishankar and Jogiram and the loan amount was also deposited on their accounts, therefore, no offence of cheating can be made out. He finally submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the incident is of the year 2011-2013 and the FIR has been lodged in the year 2019. The loan amount was sanctioned in the name of Harishankar and Jogiram and has also deposited on their bank accounts. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge